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APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAJA KANNAN,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:17-cv-07305-EJD (VKD)

**DEFENDANT APPLE INC.'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE EXCESS PAGES
FOR ITS MOTION FOR SUMMARY
JUDGMENT**

Complaint Filed: December 26, 2017
FAC Filed: May 10, 2018
SAC Filed: October 19, 2018

NOTICE OF MOTION AND MOTION

Pursuant to Civil Local Rule 7-11, Defendant Apple Inc. (“Apple”) hereby moves for an order granting administrative relief to extend the page limitation for Apple’s forthcoming Memorandum of Points and Authorities in support of its Motion for Summary Judgment by five (5) pages. Although the Civil Local Rules provide that, generally, motions shall not exceed 25 pages in length (Civil L.R. 7-2(b)), a party may file an administrative motion to “exceed otherwise applicable page limitations” for briefs or memoranda (Civil L.R. 7-11). For the reasons set forth herein, Apple requests a modest modification of the maximum page limitation for its forthcoming Motion for Summary Judgment.

Plaintiff Raja Kannan’s Second Amended Complaint is 50 pages long and asserts 13 causes of action for: (1) Discrimination On The Basis Of Perceived Disability In Violation Of The Americans With Disabilities Act (“ADA”); (2) Discrimination On The Basis Of Relationship To A Person With A Disability In Violation Of The ADA; (3) Retaliation In Violation Of The ADA; (4) Discrimination On The Basis Of Perceived Disability In Violation Of The California Fair Employment And Housing Act (“FEHA”); (5) Discrimination On The Basis Of Relationship To A Person With A Disability In Violation Of The FEHA; (6) Retaliation In Violation Of The FEHA; (7) Violation Of The Family Medical Leave Act (“FMLA”); (8) Interference In Violation Of The FMLA; (9) Retaliation In Violation Of The FMLA; (10) Violation Of The California Family Rights Act (“CFRA”); (11) Interference In Violation Of The CFRA; (12) Retaliation In Violation Of The CFRA; and (13) Wrongful Termination In Violation Of Public Policy.

In support of his 13 causes of action, Plaintiff’s Second Amended Complaint asserts that Plaintiff was discriminated against by his manager, Joseph Kotni, when he worked on the Application Support Team within Apple. There were up to 6 other employees whom reported to the manager Plaintiff claims discriminated against him and Plaintiff alleges he was treated in a disparate manner with respect to compensation and advancement.¹ As a result, Apple’s Motion for Summary Judgment will need to address these employees’ qualifications, job responsibilities, job performance, compensation, and career trajectory compared to Plaintiff over the course of several years.

¹ Plaintiff’s Second Amended Complaint identified four alleged comparator employees. Apple contends that two other employees are instead the appropriate comparators because they were employed at Plaintiff’s job level on Joseph Kotni’s team.

1 Given the breadth of Plaintiff's allegations, the parties have engaged in extensive discovery
 2 that will need to be presented to this Court. Specifically, the parties have deposed seven individuals
 3 in this case, with three of those depositions occurring over the course of two days each. The parties
 4 have also produced approximately 8,650 pages of documents in this matter.

5 Apple does not wish to burden the Court with excessively long briefs. Rather, Apple believes
 6 that the five pages of extended discussion sought here will assist the Court in resolving the issues at
 7 hand by allowing Apple to adequately frame the factual background of Plaintiff's employment, to
 8 address each of Plaintiff's thirteen causes of action, and to provide the Court with pertinent authority.

9 Counsel for Apple discussed the relief sought herein with Plaintiff, and requested his position
 10 on the matter. (See Declaration of Caroline A. Pham in Support of Defendant Apple Inc.'s
 11 Administrative Motion For Leave To File Excess Pages For Its Motion For Summary Judgment
 12 ("Pham Decl."), ¶ 2.) As of the time of this filing, Plaintiff has not responded. (Pham Decl., ¶ 3.)
 13 Apple will not object to providing the same five-page extension to Plaintiff for his response to Apple's
 14 Motion for Summary Judgment. As such, no parties will be prejudiced by the Court's granting of this
 15 motion.

16 For the foregoing reasons, Defendant respectfully requests an order granting a five (5) page
 17 extension in excess of the 25 page limit for Apple's Memorandum of Points and Authorities in support
 18 of its Motion for Summary Judgment (excluding the caption page, table of contents, table of
 19 authorities, and signature page), not to exceed thirty (30) pages in length.

20 BAKER & McKENZIE LLP

21 Dated: June 25, 2020

22 By: /s/ Todd K. Boyer

23 Todd K. Boyer
 24 Caroline Pham
 25 Attorneys for Defendant
 26 APPLE INC.
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